

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MEMORANDUM ORDER

Pro se prisoner plaintiff Jeremy Border ("Border"), and consequently this 42 U.S.C. § 1983 ("Section 1983") lawsuit that he has filed, have been the victims of delays stemming from his transfers within the Illinois Department of Corrections, as the result of which this Court's successive memorandum orders have not reached him. Fortunately this Court's most recent such order (issued on September 3) concluded by (1) granting Border's Motion for Attorney Representation, (2) designating a member of the trial bar to represent him and (3) setting an initial status hearing date of 9 a.m. November 2, 2015. But because Border's odyssey within the correctional system has undoubtedly prevented that designated counsel from conferring with him, copies of this memorandum order are being sent to both Border and attorney Timothy McMahon, and Border's copy will be accompanied by a photocopy of the September 3 memorandum order as well.

In the meantime this Court's regular review of ECF filings has disclosed that Border, now in custody at the Cook County Department of Corrections ("County Jail"), has filed an updated In Forma Pauperis Application ("Application") accompanied by a printout of transactions in his

trust fund account at several correctional institutions for the period beginning December 18, 2014 and ending September 15, 2015. That being the case, the only piece of added information that this Court needs to make the calculation called for by 28 U.S.C. § 1915 ("Section 1915") is the date to be treated as the Complaint's "filing" date, which under the caselaw is the day on which Border himself mailed the Complaint and related documents to this District Court or, if he did not himself do the mailing, the date on which he delivered those documents to the custodial authorities for mailing.¹ As soon as Border files a statement identifying the applicable mailing date, this Court will proceed with the Section 1915 determination. In the meantime, however, the current mailing to both Border and his designated counsel will enable them to communicate with each other well in advance of the November 2 status hearing.



Milton I. Shadur
Senior United States District Judge

Date: October 8, 2015

¹ As the September 3 memorandum order explained, the date in the latter part of May 2015 when he first delivered the papers to prisoner personnel at the Jerome Combs Detention Center in Kankakee County cannot serve as that "filing" date because Border had admittedly not provided the necessary postage for mailing at that time.